

108TH CONGRESS  
1ST SESSION

# H. R. 340

To require the Federal Communications Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2003

Mr. ISSA (for himself and Mr. TOM DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To require the Federal Communications Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Jumpstart Broadband  
5       Act”.

6       **SEC. 2. ENCOURAGEMENT OF NEW TECHNOLOGIES.**

7       (a) UNLICENSED NATIONAL INFORMATION INFRA-  
8       STRUCTURE DEVICES.—

1           (1) IMMEDIATE ALLOCATION OF SPECTRUM.—

2       Within 18 months after the date of enactment of  
3       this Act, the Commission shall allocate not less than  
4       an additional 255 megahertz of contiguous spectrum  
5       in the 5 gigahertz band for unlicensed use by wire-  
6       less broadband devices while ensuring that Depart-  
7       ment of Defense devices and systems are not com-  
8       promised.

9           (2) INTERFERENCE PROTECTION.—Within 18  
10      months after the date of enactment of this Act, the  
11      National Telecommunications and Information Ad-  
12      ministration shall, after consultation with all inter-  
13      ested agencies and parties, including the Depart-  
14      ment of Defense, establish standards for interference  
15      protection that is reasonably required to enable in-  
16      cumbent Federal government agency users of spec-  
17      trum allocated under paragraph (1) to continue to  
18      use that spectrum, and advise the Commission of  
19      those standards.

20          (3) DEVICE REQUIREMENTS.—Within 24  
21      months after the date of enactment of this Act, the  
22      Commission shall—

23              (A) with respect to spectrum allocation  
24              under paragraph (1), adopt minimal technical

and device rules to facilitate robust and efficient use for wireless broadband devices; and

(B) amend its rules to require that all wireless broadband devices manufactured after the effective date of those rules that operate in the spectrum allocated under paragraph (1)—

(i) be capable of 2-way digital communications;

(ii) meet the interference protection standards established under paragraph (2).

**SEC. 3. DEFINITIONS.**

(a) IN GENERAL.—In this Act:

(1) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(2) BROADBAND SERVICE.—The term “broadband service” means high rate digital transmission service—

(A) via cable modem, digital subscriber line, wireless, satellite, or other telecommunications technology; and

(B) capable of reliably transmitting voice, data, and/or video simultaneously between and among digital devices and between these devices and the Internet, on a consistent basis, at data

1 transfer rates no slower than those defined  
2 from time to time by the Commission.

3 (3) WIRELESS BROADBAND DEVICE.—The term  
4 “wireless broadband device” includes—

5 (A) U–NII devices (as defined in section  
6 15.403(i) of title 47, Code of Federal Regula-  
7 tions); and

8 (B) other devices used to access wireless  
9 broadband services.

10 (b) TERMS DEFINED IN THE COMMUNICATIONS ACT  
11 OF 1934.—Except as provided in subsection (a), any term  
12 used in this Act that is defined in section 3 of the Commu-  
13 nications Act of 1934 (47 U.S.C. 153) has the meaning  
14 given that term in that section.

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